

SENATE BILL No. 468

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-82.5; IC 31-16-6-1.5.

Synopsis: Indiana child support guidelines. Establishes child support guideline amounts that are based upon a noncustodial parent's net income in relation to the number of children for whom the noncustodial parent is obligated to pay support. Defines net income as the total income from all sources minus certain specified deductions. Provides that there is a rebuttable presumption that the child support guideline amounts must be applied in every case unless the court enters a finding that application of the guidelines would not be appropriate. Requires a court that deviates from the guideline amounts to include the reason for the deviation as part of the court's finding. Provides that if the noncustodial parent's net income is indeterminable, the court shall order child support in an amount that is reasonable.

Effective: July 1, 1999.

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January 13, 1999, read first time and referred to Committee on Rules and Legislative Procedure.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 468

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-82.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 82.5. "Net income", for purposes of IC 31-16-6-1.5,**
4 **means the total of all income from all sources, minus the following**
5 **deductions:**

6 (1) **Federal income tax (properly calculated withholding or**
7 **estimated payments).**

8 (2) **State income tax (properly calculated withholding or**
9 **estimated payments).**

10 (3) **Social Security (FICA payments).**

11 (4) **Mandatory retirement contributions required by law or as**
12 **a condition of employment.**

13 (5) **Union dues.**

14 (6) **Dependent and individual health or hospitalization**
15 **insurance premiums.**

16 (7) **Previous obligations of support or maintenance actually**
17 **paid under a court order.**



(8) Expenditures for repayment of debts that represent:

(A) reasonable and necessary expenses for the production of income;

(B) medical expenditures necessary to preserve life or health; and

(C) reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.

SECTION 2. IC 31-16-6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. (a) The court shall determine the minimum amount of child support by using the following guidelines:**

Number of Children	Percentage of Noncustodial Parent's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

(b) There is a rebuttable presumption that the child support guideline amounts under subsection (a) must be applied in every case unless the court makes a finding that application of the guidelines is not appropriate after considering the best interests of the child and the factors described in section 1 of this chapter. If the court deviates from the child support guideline amounts, the court's finding must state:

(1) the amount of support that would have been required under the guidelines, if determinable; and

(2) the reason for the court's deviation from the guidelines.

(c) If the net income is indeterminable because of default or any other reason, the court shall order child support in an amount that is reasonable.

